

DEPUTY SHERIFF PATRICK HECKER, 03/15/2019

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| <p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 ZIMMERMAN LAW OFFICES, P.C. by</p> <p>3 MR. THOMAS A. ZIMMERMAN, JR.</p> <p>4 MR. NICKOLAS J. HAGMAN</p> <p>5 77 West Washington Street</p> <p>6 Suite 1220</p> <p>7 Chicago, Illinois 60602</p> <p>8 (312) 767-6463</p> <p>9 Tom@AttorneyZim.com</p> <p>10 Nick@AttorneyZim.com</p> <p>11 on behalf of the Plaintiffs;</p> <p>12 REITER BURNS LLP by</p> <p>13 MS. ELIZABETH A. EKL</p> <p>14 MR. DANIEL J. BURNS</p> <p>15 311 South Wacker Drive</p> <p>16 Suite 5200</p> <p>17 Chicago, Illinois 60601</p> <p>18 (312) 982-0090</p> <p>19 EEkl@ReiterBurns.com</p> <p>20 DBurns@ReiterBurns.com</p> <p>21 COOK COUNTY SHERIFF'S OFFICE</p> <p>22 LEGAL DEPARTMENT by</p> <p>23 MS. KHARA COLEMAN (Where indicated)</p> <p>24 Assistant General Counsel</p> <p>50 West Washington Street</p> <p>Room 704</p> <p>Chicago, Illinois 60602</p> <p>(312) 605-5493</p> <p>Khara.Coleman@CookCountyIL.gov</p> <p>on behalf of the Defendants.</p> <p style="text-align: center;">* * * * *</p> | <p style="text-align: right;">Page 4</p> <p>1 (Plaintiffs' Exhibits 7 and</p> <p>2 8 marked.)</p> <p>3 (Witness sworn.)</p> <p>4 DEPUTY SHERIFF PATRICK HECKER,</p> <p>5 called as a witness herein, having been first duly</p> <p>6 sworn, was examined and testified as follows:</p> <p>7 EXAMINATION</p> <p>8 BY MR. ZIMMERMAN:</p> <p>9 Q Sir, would you please state your name and</p> <p>10 spell it for the record.</p> <p>11 A My name is Deputy Sheriff Patrick Hecker,</p> <p>12 H-e-c-k-e-r.</p> <p>13 Q And can I call you Deputy Hecker?</p> <p>14 A Sure.</p> <p>15 Q Thank you. This is the deposition of</p> <p>16 Deputy Patrick Hecker, taken pursuant to notice, set</p> <p>17 to -- well, no, it's not. Actually, this is taken</p> <p>18 pursuant to subpoena issued by me and set to today's</p> <p>19 date and the time was moved a little bit for the</p> <p>20 convenience of the parties and the other witnesses</p> <p>21 that gave depositions today.</p> <p>22 Deputy Hecker, have you ever given a</p> <p>23 deposition before?</p> <p>24 A Yes, sir, I have.</p> |
| <p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 EXAMINATION PAGE</p> <p>3 by Mr. Zimmerman: 4</p> <p>4 by Ms. Ekl: 65</p> <p>5 Further by Mr. Zimmerman: 74</p> <p>6 EXHIBITS</p> <p>7 Plaintiffs' Exhibit 3 (Excerpt) 60</p> <p>8 Photographs</p> <p>9 Plaintiffs' Exhibit 7 7</p> <p>10 Subpoena</p> <p>11 Plaintiffs' Exhibit 8 48</p> <p>12 Photograph</p> <p>13 (Exhibits attached/scanned.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">* * * * *</p> | <p style="text-align: right;">Page 5</p> <p>1 Q Okay. So if there's a question that I ask</p> <p>2 that you don't understand or you didn't hear, please</p> <p>3 let me know and I'll be happy to rephrase it or reask</p> <p>4 it. Okay?</p> <p>5 A Yes, sir.</p> <p>6 Q If you answer a question, I'll assume you</p> <p>7 heard and understood it. Fair enough?</p> <p>8 A Yes, sir.</p> <p>9 Q All right. Where do you currently work?</p> <p>10 A The Skokie courthouse. It's located at</p> <p>11 5600 Old Orchard Road in Skokie, Illinois. It's the</p> <p>12 District Two courthouse.</p> <p>13 Q And, sir, what is your position there?</p> <p>14 A Deputy sheriff.</p> <p>15 Q All right. By the way, how long have you</p> <p>16 been a deputy sheriff or sheriff's deputy?</p> <p>17 A A little over 25 years.</p> <p>18 Q Okay. And what are your job duties</p> <p>19 currently at the Skokie courthouse?</p> <p>20 A Currently, I spend most of my time in a</p> <p>21 felony courtroom located in 207, Courtroom 207. It's</p> <p>22 a suburban felony courtroom.</p> <p>23 Q Now, in your 25 years, have you worked at</p> <p>24 other Cook County courthouses?</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 A Courthouses and units.</p> <p>2 Q And units, okay.</p> <p>3 A Correct.</p> <p>4 Q And when you were working in the</p> <p>5 courthouses, generally, can you describe what your</p> <p>6 job duties were? I don't need dates. I don't need</p> <p>7 different courthouses.</p> <p>8 A Sure.</p> <p>9 Q But what are all the different things</p> <p>10 you've been up to?</p> <p>11 A Just -- for the most part, we provide</p> <p>12 security for the building or for -- yeah, for the</p> <p>13 building or judges. That's -- that's our primary.</p> <p>14 Along with housing prisoners. We have lockup areas.</p> <p>15 And then providing courtroom security. Door</p> <p>16 security. Some places are exterior security.</p> <p>17 Perimeter security.</p> <p>18 Q And have you worked, then, in the prisoner</p> <p>19 lockup areas in various Cook County courthouses?</p> <p>20 A I have in three -- or wait, no, I'm sorry,</p> <p>21 Kedzie, Belmont, Western, Grand and Central, Skokie,</p> <p>22 and Maywood. Maywood there's a 24-hour facility. I</p> <p>23 was in the courthouse facility. But just for a very</p> <p>24 short period of time.</p> | <p style="text-align: right;">Page 8</p> <p>1 A Yeah. Actually, it was highlighted along</p> <p>2 with my name -- I do have a copy of my subpoena here.</p> <p>3 Q That's all right. And what was that</p> <p>4 conversation consisting of?</p> <p>5 A Well, I was trying to find -- well, it was</p> <p>6 very short, actually. She answered and I stated who</p> <p>7 I was and I asked to speak to Thomas Zimmerman.</p> <p>8 Q And where did you get that name from?</p> <p>9 A The bottom -- the lower left-hand side of</p> <p>10 this subpoena.</p> <p>11 Q All right. So that's me.</p> <p>12 A Oh, okay. Nice meeting you.</p> <p>13 Q Nice meeting you.</p> <p>14 And then did we speak?</p> <p>15 A At some point, we did. A short time later,</p> <p>16 you answered the line and then just a brief</p> <p>17 conversation about the date and the timing and then</p> <p>18 you had mentioned a possible time change.</p> <p>19 Q All right. And was that the extent of the</p> <p>20 conversations you had on that day with anybody at</p> <p>21 my office?</p> <p>22 A Yes.</p> <p>23 Q So did you then give me your phone number</p> <p>24 in case there was a time change?</p> |
| <p style="text-align: right;">Page 7</p> <p>1 Q All right.</p> <p>2 A Days.</p> <p>3 Q I have already marked here, this will be, I</p> <p>4 guess, Plaintiffs' Master Exhibit 7 in my ongoing</p> <p>5 list of exhibits.</p> <p>6 This is a deposition subpoena issued to</p> <p>7 you, sir. Have you seen perhaps not this document,</p> <p>8 but the -- you were served with a subpoena in this</p> <p>9 case. Right?</p> <p>10 A Yes, sir.</p> <p>11 Q So you're here today because you were</p> <p>12 subpoenaed to appear. Right?</p> <p>13 A Correct.</p> <p>14 Q Now, after you were served with the</p> <p>15 subpoena, it is true that you called my office? Is</p> <p>16 that right?</p> <p>17 A Yes, sir.</p> <p>18 Q And who did you speak to there, if you</p> <p>19 know?</p> <p>20 A I don't recall the name. It was a female</p> <p>21 answered the number that's located on the bottom</p> <p>22 left-hand side of the subpoena.</p> <p>23 Q Oh, you got my office number from the phone</p> <p>24 number on the subpoena?</p> | <p style="text-align: right;">Page 9</p> <p>1 A Oh, yes, I'm sorry, I did. I provided my</p> <p>2 personal cell phone number.</p> <p>3 Q And then did you have any subsequent</p> <p>4 contact with anybody from my office?</p> <p>5 A I did yesterday. Yesterday afternoon.</p> <p>6 Q And can you describe that, please.</p> <p>7 A Okay. I answered the phone. It was</p> <p>8 just -- she identified herself. I believe she was a</p> <p>9 secretary from the office. Female. And she advised</p> <p>10 me that there would be a change in the time of the</p> <p>11 deposition.</p> <p>12 Q All right.</p> <p>13 A From 1:00 to 3:00.</p> <p>14 Q Okay. And so here we are now.</p> <p>15 Other than that second conversation you had</p> <p>16 with my office, have you had any other communications</p> <p>17 with anybody from my firm?</p> <p>18 A No. None whatsoever.</p> <p>19 Q You did, however, talk to Ms. Ekl today</p> <p>20 prior to stepping into the room. Right?</p> <p>21 A Correct.</p> <p>22 Q Is she representing you here today?</p> <p>23 A Nobody is.</p> <p>24 MS. EKL: I am.</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 THE WITNESS: Oh.</p> <p>2 MS. EKL: I represent the sheriff's office.</p> <p>3 THE WITNESS: Oh, okay.</p> <p>4 MS. EKL: So for purposes of the deposition, I</p> <p>5 represent you.</p> <p>6 THE WITNESS: She is.</p> <p>7 BY MR. ZIMMERMAN:</p> <p>8 Q As you sit here today, do you have an</p> <p>9 independent recollection of any of the plaintiffs who</p> <p>10 are the plaintiffs in this lawsuit?</p> <p>11 Do you even know the names of the</p> <p>12 plaintiffs in this lawsuit?</p> <p>13 A I don't really know what this is all about.</p> <p>14 Q All right.</p> <p>15 A So, I -- I'll say no to that question.</p> <p>16 Q All right. So I guess that answers my next</p> <p>17 question which is, did you do anything to prepare for</p> <p>18 your deposition today?</p> <p>19 A Took a shower, got dressed, and came</p> <p>20 to work.</p> <p>21 Q All right. There are just a couple of</p> <p>22 things I wanted to ask you about, sir.</p> <p>23 Prior to entering a Cook County courthouse,</p> <p>24 if there's a pretrial detainee who's brought to a</p> | <p style="text-align: right;">Page 12</p> <p>1 THE WITNESS: Well, I can -- you can stop me,</p> <p>2 but anybody who comes into our lockup is immediately</p> <p>3 searched.</p> <p>4 BY MR. ZIMMERMAN:</p> <p>5 Q Very good.</p> <p>6 A Non-police officer.</p> <p>7 Q Yeah, all right. So let's talk about</p> <p>8 coming into the lockup at the Skokie courthouse for</p> <p>9 right now. All right?</p> <p>10 A Yes, sir.</p> <p>11 Q So are there holding cells in the lower</p> <p>12 level that male detainees would be placed in and</p> <p>13 female detainees would be placed in?</p> <p>14 A Yes. Our -- yes.</p> <p>15 Q And how many male detainee holding cells</p> <p>16 are there?</p> <p>17 A Oh, man, you're gonna make me think.</p> <p>18 Well, we have -- there's holding areas</p> <p>19 throughout our lockup area.</p> <p>20 Q Okay.</p> <p>21 A So there is -- we call it the slider, which</p> <p>22 is just like a holding bullpen where we put people</p> <p>23 who are going to be released. They posted bond.</p> <p>24 They were given an I Bond. Charges were dropped.</p> |
| <p style="text-align: right;">Page 11</p> <p>1 Cook County courthouse, whether that's by an</p> <p>2 out-of-county or they're in the Department of</p> <p>3 Corrections or otherwise, is there a procedure</p> <p>4 whereby they're searched?</p> <p>5 A I can speak for the sheriff's department.</p> <p>6 Anytime you're moved from a location, you're</p> <p>7 searched. Like you're searched leaving the jail and</p> <p>8 coming to Skokie or Maywood or whatever court</p> <p>9 facility you're going to, if that answers your</p> <p>10 question.</p> <p>11 Q And so the sheriff's -- somebody from</p> <p>12 the -- the sheriff's personnel would search a</p> <p>13 detainee upon entering into the courthouse?</p> <p>14 MS. EKL: I'm going to object to foundation to</p> <p>15 the extent your question includes people from</p> <p>16 IDOC and from other agencies. If your answer differs</p> <p>17 if they're being brought in by those agencies, as</p> <p>18 opposed to the sheriff's office, then I think that</p> <p>19 needs some clarification.</p> <p>20 BY MR. ZIMMERMAN:</p> <p>21 Q All right. So do you understand my</p> <p>22 question?</p> <p>23 MS. EKL: Are you able to answer it the way he</p> <p>24 asked it?</p> | <p style="text-align: right;">Page 13</p> <p>1 They -- that's a male holding.</p> <p>2 We don't put males and females together.</p> <p>3 Q Okay.</p> <p>4 A But the slider is a male holding area for</p> <p>5 males that are being released.</p> <p>6 Then there's our main male lockup and</p> <p>7 16 holding cells in that main male lockup.</p> <p>8 Q Okay. And then --</p> <p>9 A And then you've got to shift to the other</p> <p>10 side of the lockup.</p> <p>11 Q And what's on that side, sir?</p> <p>12 A We have -- sorry, I have to twist.</p> <p>13 (Indicating.) I'm -- okay we have interview rooms.</p> <p>14 It's -- there's a glass partition for each of the</p> <p>15 interview rooms. I don't know how many interview</p> <p>16 rooms. There's maybe eight, nine, ten of those. And</p> <p>17 the attorneys sit on one side, and then the prisoner</p> <p>18 would sit on the inside. It's still in the lockup</p> <p>19 area. So we have that.</p> <p>20 Then we have a female entrance door here.</p> <p>21 And that would have four cells here. (Indicating.)</p> <p>22 Then we have two more cells -- we</p> <p>23 usually -- those cells are usually reserved for</p> <p>24 Mondays for our juvenile offenders. And then if we</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 have out-of-county or out-of-state prisoners would go 2 into those two. (Indicating.)</p> <p>3 Q Okay.</p> <p>4 A And then further down, we have an IDOC area 5 that we just leave for Illinois Department of 6 Correction prisoners, which -- am I talking too much?</p> <p>7 Q No, you're perfect.</p> <p>8 MS. EKL: You're fine, you're fine.</p> <p>9 THE WITNESS: And so there it would be four in 10 that particular area. And those are male ones.</p> <p>11 MR. ZIMMERMAN: Okay.</p> <p>12 THE WITNESS: Strictly for male IDOC.</p> <p>13 BY MR. ZIMMERMAN:</p> <p>14 Q Thank you. And so is there a control room 15 that's down in the main Skokie lockup?</p> <p>16 A Actually, we have -- there's -- there's 17 actually three. Two are in use. Two are in use, 18 which is the main control room and then we have a -- 19 what we call a small control room.</p> <p>20 Q Okay. Let's start with the main and then 21 we'll get to the small and then we'll talk about the 22 one that apparently is not in use.</p> <p>23 So in the main control room, would that be 24 the large -- we can call it the large control room or</p> | <p style="text-align: right;">Page 16</p> <p>1 there. But migrate over or someone may have to use 2 the -- sorry, there's a LEADS machine there and 3 someone might sit and have to do a background check 4 on someone or identify somebody.</p> <p>5 Q Okay. And so would that be male and female 6 deputies that would be in the main control room?</p> <p>7 A Yes. Oh, yes.</p> <p>8 Q And so is there any type of policy within 9 the sheriff's office as to, you know, if, for 10 example, a deputy sheriff that's assigned to a 11 courtroom, you know, that courtroom is done for the 12 day, or they got some free time, would they come down 13 to the main control room? Or would they just hang 14 out in their courtroom? Or what would happen?</p> <p>15 MS. EKL: Objection. Form. Foundation.</p> <p>16 I'd just also like to put on the record 17 that this is not -- Deputy Hecker is not the 18 County's -- or the Sheriff's 30(b)(6) witness on any 19 of these topics.</p> <p>20 But go ahead and answer.</p> <p>21 THE WITNESS: Oh.</p> <p>22 MS. EKL: If you can.</p> <p>23 THE WITNESS: Well, due to the budget, we're 24 short-handed. We have been for a while.</p> |
| <p style="text-align: right;">Page 15</p> <p>1 main control room?</p> <p>2 A Yeah.</p> <p>3 Q Either one?</p> <p>4 A We just call it control. But however. 5 Main control room, I'll -- it's ...</p> <p>6 Q All right. Is there a sheriff's deputy 7 assigned to staff that control room at all times?</p> <p>8 A Yes.</p> <p>9 Q And can you explain that?</p> <p>10 A Explain the room itself? Or the -- 11 their job?</p> <p>12 Q Their job.</p> <p>13 A Or our job, I should say.</p> <p>14 Q Right. Is it just one? Or is it more?</p> <p>15 A Well, no, there would be one 16 specifically -- one would be in the room at all -- 17 pretty much at all times. It might be, you know, 18 you're just getting up and you're quickly opening a 19 door that's just outside of the main control room. 20 But, yeah, someone's in -- in that room. Yes.</p> <p>21 Q All right. And then are there any other 22 sheriff's deputies that are usually in that room as 23 well?</p> <p>24 A Oh, yeah, there can be, sure. Not assigned</p> | <p style="text-align: right;">Page 17</p> <p>1 So what happens is when our courtrooms go 2 down -- right away, first thing at roll call, it's 3 the same thing we hear every day. If your room's 4 down, go help at the door, go help in the lockups. 5 So guys -- you know, some of us prefer rather just 6 heading down to the lockup than standing at a door 7 and dealing with the public, so, yeah, we head down 8 to the -- guys will head down to the lockup.</p> <p>9 BY MR. ZIMMERMAN:</p> <p>10 Q When is roll call?</p> <p>11 A For -- for my shift, it's at 8:00.</p> <p>12 Q In the morning?</p> <p>13 A 8:00 a.m. I'm sorry.</p> <p>14 Q And what is roll call?</p> <p>15 A Roll call is just -- it used to be a lot 16 more formal. They read off everybody's name. But 17 you just -- you go in there. We already know our 18 assignments. Some might get changed, so you're 19 advised that things have changed. If there's new 20 policies, new procedures, we're told, you know, go 21 onto the computer, you know, because all of our -- 22 all of our information that's sent to us now is 23 just -- it's all computer generated.</p> <p>24 Q I see. So during roll call, all the deputy</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 sheriffs are told that if you've got some free time, 2 come down and help out to the main control room or 3 other places? 4 A Well, I wouldn't say free time. My -- the 5 thing is, when your courtroom goes down, head to the 6 door; head to the lockup. 7 Q All right. When your courtroom goes down, 8 does that mean that the judge is done hearing cases 9 for the day? 10 A Correct. But we're all, like, kind of on 11 standby because someone may come up for a -- there's 12 a motion or, you know, someone could get picked up on 13 a warrant, so the judge will come back out. 14 Q I see. And so this would apply both to 15 male and female deputies? They would come down to 16 help out in the main control room? 17 MS. EKL: Objection. Assumes facts not in 18 evidence. 19 THE WITNESS: Do you still want me to answer? 20 MR. ZIMMERMAN: Yes. 21 MS. EKL: If you can. 22 THE WITNESS: Yeah, I can. 23 It's -- you're specifically saying to the 24 control room? Or to the lockup?</p> | <p style="text-align: right;">Page 20</p> <p>1 those holding cells? 2 A Yes. 3 (Whereupon, Ms. Coleman arrived at the 4 deposition.) 5 BY MR. ZIMMERMAN: 6 Q All right. And can you describe, you know, 7 how many monitors and the feeds and that type of 8 thing? 9 A Yes. Let me back up a little bit here. 10 So the monitors would be set across on a -- 11 on a desk. And there's one large monitor 12 approximately this big. (Indicating.) 13 MS. EKL: Can you describe by inches? 14 THE WITNESS: Inches? I'd say, I don't know, 15 it's a standard monitor these days. 16 inches, 16 20 inches, something like -- approximate. 17 MR. ZIMMERMAN: Okay. 18 THE WITNESS: Let me see, we have that. 19 And then -- I've got to laugh here. This 20 is -- there's also an old setup originally from when 21 the building was built and it's this big metal kind 22 of cabinet, and then it has four -- well, there's -- 23 yeah, there's four individual small monitors. Each 24 monitor is probably about 8 inches -- 8 inches wide,</p> |
| <p style="text-align: right;">Page 19</p> <p>1 BY MR. ZIMMERMAN: 2 Q To the lockup, yeah. 3 A Yeah, to the lockup, sure. Both male and 4 female. 5 Q The control room is within the lockup, the 6 main lockup? 7 A Yes. 8 Q All right. 9 A Yeah. 10 Q In that large control room, are there 11 monitors in there -- well, strike that. 12 So in the holding cells in the main lockup, 13 you know, the male holding cells and then the female 14 holding cells and, you know, the other ones that you 15 described earlier, IDOC, the slider, you know, the 16 other two for juvenile and out-of-county, are there 17 cameras in all of those holding cells? 18 A Yes. 19 Q And -- 20 A And the interview rooms. 21 Q And the interview rooms. 22 And is there a monitor or monitors in the 23 main control room that has the camera feeds that can 24 be displayed on the monitor from those cameras in</p> | <p style="text-align: right;">Page 21</p> <p>1 8 inches tall. Approximate. (Indicating.) 2 MR. ZIMMERMAN: Okay. 3 THE WITNESS: And then if you -- well, I can do 4 all this in one swoop. 5 There is another monitor. That one's 6 larger than the one to the left. I'd say that one's 7 maybe 22-inch, 24-inch. Approximate again. 8 MR. ZIMMERMAN: Okay. 9 THE WITNESS: And for the monitors, that's it. 10 MR. ZIMMERMAN: And so -- 11 THE WITNESS: I'm wrong. 12 MR. ZIMMERMAN: Yep? 13 THE WITNESS: There's one more monitor. There's 14 one more monitor over here. (Indicating.) And that 15 gives an outside view -- I'm going -- (indicating) -- 16 we have our -- the back of the courthouse where 17 prisoner buses and squad cars and deliveries are 18 made. That -- they're -- that's one more monitor 19 over there. 20 BY MR. ZIMMERMAN: 21 Q So the monitors are all next to each other? 22 A Yeah, just kind of like a little swoop 23 right here. (Indicating.) 24 Q All right. Is there a sheriff's -- is a</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 sheriff's deputy required to watch the monitors --</p> <p>2 well, strike that.</p> <p>3 So let's talk about what's on each of these</p> <p>4 monitors.</p> <p>5 So first there's the 16- to 20-inch</p> <p>6 monitor, the first one you mentioned?</p> <p>7 A So you want to go left to right?</p> <p>8 Q We'll go left to right.</p> <p>9 A Okay.</p> <p>10 Q So what is shown on that monitor?</p> <p>11 A Oh, man. I've got to think about this.</p> <p>12 There is -- I don't know exact. But there</p> <p>13 might be six frames within that monitor. Six, maybe</p> <p>14 eight. I -- I'm just -- six, maybe eight different</p> <p>15 squares that -- that show different areas.</p> <p>16 Q "Areas" meaning what, sir?</p> <p>17 A One of the areas shows -- so if I look over</p> <p>18 that screen, that's the door to get into our main</p> <p>19 control room. So one of the screens on there is to</p> <p>20 show that entry area.</p> <p>21 Q Okay.</p> <p>22 A From there, there's the -- this is the</p> <p>23 female side. So there would be four boxes, one for</p> <p>24 each female cell.</p> | <p style="text-align: right;">Page 24</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q To the right, I'm sorry. To the old metal</p> <p>3 cabinet.</p> <p>4 MS. EKL: So you don't want him to describe any</p> <p>5 of the other squares in there?</p> <p>6 MR. ZIMMERMAN: He already did.</p> <p>7 MS. EKL: He gave you some. He didn't</p> <p>8 give you --</p> <p>9 MR. ZIMMERMAN: I think I'm okay asking my own</p> <p>10 questions. Thanks.</p> <p>11 MS. EKL: I'm just asking.</p> <p>12 MR. ZIMMERMAN: Yeah.</p> <p>13 MS. EKL: I'm just asking. I don't know if</p> <p>14 you -- if he finished his answer in terms of those</p> <p>15 squares and you're moving on, so I just wanted to</p> <p>16 make sure.</p> <p>17 BY MR. ZIMMERMAN:</p> <p>18 Q I think he did finish his answer. But I'm</p> <p>19 good. Unless you want to help me some more, I think</p> <p>20 I'm going to move on with my own questioning.</p> <p>21 Let's go to the next big metal cabinet</p> <p>22 that's just to the right of that monitor.</p> <p>23 You said there's about four small monitors</p> <p>24 in there. Do you --</p> |
| <p style="text-align: right;">Page 23</p> <p>1 Q Okay. Anything else that you can recall</p> <p>2 that's on that left monitor?</p> <p>3 A Yeah, there's a -- so we can see between --</p> <p>4 there's a hallway that separates the interview rooms</p> <p>5 from the lockups that would be on this side.</p> <p>6 (Indicating.) So it's a -- I believe it's just a</p> <p>7 straight shot down that -- that corridor.</p> <p>8 Q Okay. Anything else you can recall that's</p> <p>9 on the left monitor?</p> <p>10 A No.</p> <p>11 Q All right. When you mentioned that it</p> <p>12 shows that there's four frames on that monitor</p> <p>13 showing the female holding cells, would that be</p> <p>14 the -- that's the -- the camera feed from the cameras</p> <p>15 from each of the four female holding cells that are</p> <p>16 shown on that monitor?</p> <p>17 A Correct.</p> <p>18 Q And are those up the entire time? Or do</p> <p>19 those cycle through to different frames?</p> <p>20 A No, I know them to be on there all</p> <p>21 the time.</p> <p>22 Q And now, sir, if we can move to the left a</p> <p>23 little bit to that big -- that old metal --</p> <p>24 MR. HAGMAN: To the right.</p> | <p style="text-align: right;">Page 25</p> <p>1 A It's not "about." It is four.</p> <p>2 Q It is four.</p> <p>3 A Yes.</p> <p>4 Q Do you recall what's shown on those four</p> <p>5 monitors?</p> <p>6 A Yeah -- okay. The simplest way to say, our</p> <p>7 lockup is like a squirrel run. So there's a hall --</p> <p>8 hallways that are all connected. It just goes in a</p> <p>9 circle like this. (Indicating.)</p> <p>10 So to get to the answer, on one of 'em, it</p> <p>11 has a picture of this door over here. That would be</p> <p>12 the entrance door to 10. (Indicating.) This would</p> <p>13 be the entrance into the actual lockup area.</p> <p>14 (Indicating.)</p> <p>15 Q Okay.</p> <p>16 A So one of 'em would show the hallway that's</p> <p>17 directly outside of there. The length view of it.</p> <p>18 It's maybe 30 feet.</p> <p>19 Q Okay.</p> <p>20 A Another monitor and -- I think it's the</p> <p>21 third one over, shows, like I say, it -- we have</p> <p>22 the -- one shows this way, and I think it's -- well,</p> <p>23 I don't remember which one it is. But one of 'em</p> <p>24 shows the length going down from the slider area down</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 the whole length of what would be the male lockup. 2 (Indicating.) 3 Q Okay. And how about another one? 4 A Another one, I -- it changes because -- I 5 shouldn't say that. It used to show the inside of 6 our two elevators. I don't -- on that, I don't 7 actually remember if -- or recall that, you know, 8 that's still the angle of it. 9 Q All right. And how about the fourth one? 10 The fourth monitor. 11 A I'm twisting so I can -- I'm a visual -- I 12 mean, I -- so we have this monitor that's here. And 13 then within this monitor -- (indicating.) 14 Q No, sir, I'm sorry. 15 A Oh, I'm sorry. 16 Q It's the fourth monitor within the big 17 metal cabinet. 18 A Oh, okay. 19 MS. EKL: I thought he already described that. 20 BY MR. ZIMMERMAN: 21 Q What's on that one? 22 A That's why I say, okay, two would be 23 hallway -- lengths of the hallway. And then two -- 24 Q Oh, so there used to be two for the</p> | <p style="text-align: right;">Page 28</p> <p>1 A Yes. 2 Q Anything else shown on that monitor? 3 A Besides the cells? 4 Q Besides what -- yeah, those 16. 5 A None -- well -- no, it would be the 6 cells -- well, it can be switched to different areas 7 of the courthouse. But like I say, it's -- if not 8 all the time, I hate to give a percentage, but a 9 majority, a large majority of it, just shows the male 10 bullpens. 11 Q I see. 12 A In the male lockup. 13 Q And then if there was some reason to switch 14 to see a different view, then they would switch it 15 off one of the 16 and see the different view? 16 A Yes. 17 Q And then when they're done, then they would 18 switch it back to that male lockup? 19 A Yes. 20 Q All right. And then you said that the 21 fourth monitor on the far right of our row shows the 22 outside view. Can you describe that, please? What's 23 shown on that monitor. 24 A Are we at four? One, two, three -- oh,</p> |
| <p style="text-align: right;">Page 27</p> <p>1 elevators? 2 A One of each for one of each of the 3 elevators. 4 Q Got it. 5 A I'm sorry. 6 Q All right, got it. Okay. Now let's go to 7 the monitor that's to the right of the metal cabinet. 8 A Right. 9 Q Can you describe what's shown on that for 10 me, please, sir? 11 A Within there -- okay, that would show 12 almost -- most of the time, there would be the male 13 lockup. Individual screens -- blocks or pictures for 14 each lockup of each holding facility in the main 15 lockup. 16 Q On the male side? 17 A Yes, I'm sorry, on the male side. 18 Q Would that have 16, then -- 16 frames on 19 it? One for each of the male holding cells? Or 20 would there be more or less? 21 A Oh, boy, okay, I have to do -- 16. 22 Q So on that monitor, you would have the 23 camera feed that's being shown from each of 24 the cameras in each of the 16 male holding cells?</p> | <p style="text-align: right;">Page 29</p> <p>1 four, okay. 2 So this one here would show the -- the ramp 3 going down the back side of the courthouse. It shows 4 a view from the east out west. The actual direction. 5 Q Okay. 6 A So it shows from the top of the ramp to the 7 lockup door. 8 Q All right. Is a sheriff's deputy required 9 to watch the monitors with the holding cell camera 10 feeds at all times throughout the day? 11 A To constantly stare at that monitor? 12 Q Well, they're assigned to the room and one 13 of the job duties is to watch those monitors of the 14 holding cell camera feeds? 15 A Yes. Part of the job is to watch the 16 monitors. Yes. 17 Q And would that include male and female 18 deputies? 19 A Yes. 20 Q And were you ever trained on that as part 21 of your training? That that was one of the duties of 22 the deputy sheriff in the control room? One of the 23 things was to watch the monitors of the holding 24 cells?</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 A We have FT -- well, we used to have FTOs</p> <p>2 and -- a field training officer. So when you were</p> <p>3 new to the building, it would show -- if that's where</p> <p>4 you were assigned for the day, then they'd say this</p> <p>5 is what you need to do. Here's the buttons, you</p> <p>6 know, you may have to push or phone numbers. That</p> <p>7 type of thing.</p> <p>8 Q Okay. And watching the holding cell video</p> <p>9 feeds was part of that training?</p> <p>10 A Yes.</p> <p>11 Q Would that be the same for all the</p> <p>12 Cook County courthouses?</p> <p>13 MS. EKL: Objection. Foundation.</p> <p>14 BY MR. ZIMMERMAN:</p> <p>15 Q You can answer.</p> <p>16 MS. EKL: Do you know -- do you know if that's</p> <p>17 the same for every single courthouse?</p> <p>18 THE WITNESS: I can only speak for places where</p> <p>19 I have worked. It's -- yeah, it's pretty standard</p> <p>20 across, yeah.</p> <p>21 BY MR. ZIMMERMAN:</p> <p>22 Q All right. So with respect to the video</p> <p>23 feed from, like, the public areas, you know, for</p> <p>24 example, the ramp going down the back side of the</p> | <p style="text-align: right;">Page 32</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q Go ahead. If you understood. Do you</p> <p>3 understand what I'm saying, or no?</p> <p>4 MS. EKL: Are you asking him in his opinion?</p> <p>5 Are you asking him as a matter of policy?</p> <p>6 BY MR. ZIMMERMAN:</p> <p>7 Q Can you answer it as asked?</p> <p>8 A I -- myself, I wouldn't be interested in</p> <p>9 what was going on in the hallway on the first floor</p> <p>10 or second floor, if that's what you're asking.</p> <p>11 Q All right.</p> <p>12 A I'm down in the control room. I would have</p> <p>13 the -- the normal picture -- the normal pictures</p> <p>14 would be up of the male holding and -- yeah.</p> <p>15 Q All right.</p> <p>16 A If I'm answering -- did I -- never mind.</p> <p>17 Q So you mentioned that the female holding</p> <p>18 cells are monitored by male -- well, strike that.</p> <p>19 Are the female holding cells monitored by</p> <p>20 male sheriff's deputies in the large control room?</p> <p>21 MS. EKL: Objection. Form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MR. ZIMMERMAN:</p> <p>24 Q All right. And are the male holding cells</p> |
| <p style="text-align: right;">Page 31</p> <p>1 courthouse, are there sheriff's deputies stationed in</p> <p>2 the public areas that you'd be able to see on that?</p> <p>3 A Are you asking me on the outside of the</p> <p>4 building?</p> <p>5 Q Well, I guess there's more video feeds of</p> <p>6 other public areas other than that. Right?</p> <p>7 A Correct.</p> <p>8 Q Okay. So what about with respect to the</p> <p>9 outside of the building?</p> <p>10 A On the outside? Again, due to, whatever,</p> <p>11 how people are assigned, we do have one person right</p> <p>12 now that is somewhat on -- we call it outside</p> <p>13 security.</p> <p>14 Q All right. And then there's also cameras</p> <p>15 throughout the other public areas of the courthouse?</p> <p>16 A Correct.</p> <p>17 Q And are there deputy sheriffs who are, you</p> <p>18 know, assigned to those areas?</p> <p>19 A Yes.</p> <p>20 Q So in the monitors of the different video</p> <p>21 feeds, whether it's a public area or whether it's a</p> <p>22 holding cell in the lockup, is there, you know, a</p> <p>23 focus that's more concerning that should be watched?</p> <p>24 MS. EKL: Objection. Form. Foundation.</p> | <p style="text-align: right;">Page 33</p> <p>1 monitored by female sheriff's deputies in the large</p> <p>2 control room?</p> <p>3 MS. EKL: Objection. Form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. ZIMMERMAN:</p> <p>6 Q Was there ever a time when just male</p> <p>7 deputies monitored male cells and female deputies</p> <p>8 monitored female cells? Or has it always just been</p> <p>9 this way?</p> <p>10 MS. EKL: Objection. Foundation.</p> <p>11 THE WITNESS: Again, I can only speak for myself</p> <p>12 and my time.</p> <p>13 MS. EKL: So if you don't know the answer to his</p> <p>14 question as asked, then you don't know the answer.</p> <p>15 So if you don't know if at all times, so --</p> <p>16 listen to his question.</p> <p>17 THE WITNESS: Oh, at all specifically, I'm</p> <p>18 sorry.</p> <p>19 MS. EKL: Don't change his question.</p> <p>20 THE WITNESS: Okay, I'm sorry, I'm sorry.</p> <p>21 MS. EKL: Just answer what he asks you. If</p> <p>22 you can.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 ///</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q You don't know if there was ever a time</p> <p>3 when male deputies monitored males and female</p> <p>4 deputies monitored females? Whether it's your own</p> <p>5 personal knowledge or anything you've overheard or</p> <p>6 read or seen.</p> <p>7 MS. EKL: Objection. Foundation.</p> <p>8 BY MR. ZIMMERMAN:</p> <p>9 Q You can answer that one now.</p> <p>10 A Okay. As I -- as I said in the beginning,</p> <p>11 we have -- there's three control rooms. Only two are</p> <p>12 in use.</p> <p>13 At one point, the third one was in use and</p> <p>14 that was for female deputies.</p> <p>15 Q Oh, so I guess we're getting to the third</p> <p>16 control room now before I was planning on it. So</p> <p>17 let's go to that.</p> <p>18 So can you explain, based on either your</p> <p>19 knowledge, experience, talking to people, reading</p> <p>20 about it, learning in any way, what used to happen</p> <p>21 when the female deputies monitored the females in</p> <p>22 that third control room? How did that work?</p> <p>23 MS. EKL: Objection. Foundation.</p> <p>24 THE WITNESS: Well, okay. I've got to qualify</p> | <p style="text-align: right;">Page 36</p> <p>1 MS. EKL: Not for your whole question.</p> <p>2 BY MR. ZIMMERMAN:</p> <p>3 Q So can you describe for me please, then,</p> <p>4 what you observed and, you know, at that time how</p> <p>5 that third control room was in use and how it</p> <p>6 operated, based on your experience?</p> <p>7 MS. EKL: Objection. Form. Foundation.</p> <p>8 THE WITNESS: Boy, 29 years ago is a long time.</p> <p>9 Okay. So I -- there was just -- there was</p> <p>10 a desk set up for the girls to do paperwork. And</p> <p>11 there's windows within that -- within that room</p> <p>12 with -- there's a bank of monitors in there also. Or</p> <p>13 there was, I should say. There still is. But back</p> <p>14 then, they were ...</p> <p>15 BY MR. ZIMMERMAN:</p> <p>16 Q Okay. And the monitor, at least back in</p> <p>17 the day, did that have the camera feeds shown on it</p> <p>18 from the female holding cells?</p> <p>19 A I don't know.</p> <p>20 Q All right. So how do you know that the</p> <p>21 female deputies were in there controlling the female</p> <p>22 holding cells?</p> <p>23 MS. EKL: Objection. Assumes facts not in</p> <p>24 evidence.</p> |
| <p style="text-align: right;">Page 35</p> <p>1 this by saying, in -- I started working in that</p> <p>2 building -- in Skokie, I'm sorry, in Skokie</p> <p>3 courthouse in 1990.</p> <p>4 MR. ZIMMERMAN: Okay.</p> <p>5 THE WITNESS: I was a civilian clerk for the</p> <p>6 Circuit Court of Cook County.</p> <p>7 Part of my responsibilities were I had</p> <p>8 interaction with the lockup for -- if people were</p> <p>9 gonna bond out, I would accept bond money. Bring</p> <p>10 down copies of warrants. We were out -- we were</p> <p>11 really a paper-driven department back then.</p> <p>12 So there I would specifically -- if it came</p> <p>13 to a female, I would be -- I would deal with the</p> <p>14 females in that little female control room -- female</p> <p>15 officers, I should say.</p> <p>16 BY MR. ZIMMERMAN:</p> <p>17 Q Oh, so you actually were working there at</p> <p>18 the time that that third control room was in</p> <p>19 operation?</p> <p>20 A Correct.</p> <p>21 Not -- I wasn't working in the lockup. I</p> <p>22 was working in an office in another part of the</p> <p>23 building.</p> <p>24 Q All right. Well, there's your foundation.</p> | <p style="text-align: right;">Page 37</p> <p>1 THE WITNESS: I just remember Terry. She was a</p> <p>2 character back -- you know, a real character. So</p> <p>3 whenever I would go in there as a young guy, and --</p> <p>4 she would tease me about the girls and -- you know,</p> <p>5 they were in that lockup area.</p> <p>6 BY MR. ZIMMERMAN:</p> <p>7 Q All right. Do you know if she was able to</p> <p>8 monitor them from that room?</p> <p>9 A I can only say I don't know.</p> <p>10 Q All right. What is that -- so that's no</p> <p>11 longer in use. When did it stop being in use?</p> <p>12 A Oh, I -- I couldn't even give you a year.</p> <p>13 It's been a while. Now it's just kind of like a</p> <p>14 catch-all little warehouse room.</p> <p>15 Q Like a storage room?</p> <p>16 A Yeah, we keep toilet paper and feminine</p> <p>17 products for the -- for the detainees, for the</p> <p>18 prisoners.</p> <p>19 Q Back in the day when that third control</p> <p>20 room was in use, then where were the male holding</p> <p>21 cells monitored at?</p> <p>22 MS. EKL: Objection. Foundation.</p> <p>23 If you know.</p> <p>24 THE WITNESS: Okay. Within -- there's a</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 small -- we call it the small control. And that's</p> <p>2 where you could monitor the males. And, okay, before</p> <p>3 all the -- the newer stuff that's been brought in</p> <p>4 over the years, the four cameras that sit in the</p> <p>5 middle of the old metal box, that would show the</p> <p>6 length of the inside of the male -- the male</p> <p>7 holding -- the large male holding area.</p> <p>8 MR. ZIMMERMAN: I see.</p> <p>9 THE WITNESS: Not into cells. Just the -- the</p> <p>10 floor itself. The main area there.</p> <p>11 BY MR. ZIMMERMAN:</p> <p>12 Q All right. Why don't we talk about the</p> <p>13 small control room. Where is that located?</p> <p>14 A So we have the main control room -- or the</p> <p>15 male lockup is here. (Indicating.) There are two</p> <p>16 doors to get into the male lockup. And then in the</p> <p>17 middle, there's a door that goes into an office which</p> <p>18 is kind of similar to this where there's a bank of</p> <p>19 windows that you can see into the lockup area. It's</p> <p>20 a small office. Maybe eight, ten feet wide and maybe</p> <p>21 twenty feet long.</p> <p>22 Q Okay. So that's near the large</p> <p>23 control room?</p> <p>24 A No. It's in a different section of the --</p> | <p style="text-align: right;">Page 40</p> <p>1 control room?</p> <p>2 MS. EKL: Objection. Form.</p> <p>3 THE WITNESS: There's a civilian -- a female</p> <p>4 civilian clerk is -- she has a desk in that -- a work</p> <p>5 space in that area. And our guys are in and out of</p> <p>6 there pretty much all day long.</p> <p>7 No one specifically -- our guys are not</p> <p>8 specifically assigned to that, though.</p> <p>9 BY MR. ZIMMERMAN:</p> <p>10 Q There's no sheriff's deputy assigned to the</p> <p>11 small control room?</p> <p>12 A No.</p> <p>13 Q What's a -- when you say a female civilian</p> <p>14 clerk, what does that mean, civilian clerk?</p> <p>15 A She's a civilian clerk from the jail and --</p> <p>16 Q She's not deputized?</p> <p>17 A No. No, no, no. She is not, no.</p> <p>18 Q And her monitor has the camera feeds from</p> <p>19 the 16 male holding cells?</p> <p>20 MS. EKL: Objection. Form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. ZIMMERMAN:</p> <p>23 Q The monitor in her room is showing the</p> <p>24 16 male holding cells?</p> |
| <p style="text-align: right;">Page 39</p> <p>1 Q A different area?</p> <p>2 A -- of the main -- or in our lockup, yeah.</p> <p>3 It's a different area.</p> <p>4 Q So it's down in the main lockup, but away</p> <p>5 from the main control room?</p> <p>6 A Correct.</p> <p>7 Q I see. And what is the small control --</p> <p>8 well, is there a monitor in -- well, strike that.</p> <p>9 Have you ever been in the small</p> <p>10 control room?</p> <p>11 A Oh, yes.</p> <p>12 Q All right. Do you go in there a lot?</p> <p>13 A Oh, yes. Yes.</p> <p>14 Q So is there a monitor in there?</p> <p>15 A Yes, there is.</p> <p>16 Q And what is shown on that monitor?</p> <p>17 A That shows all of the male -- all the</p> <p>18 male cells.</p> <p>19 Q All 16 of them?</p> <p>20 A Correct.</p> <p>21 Q So there's a little, you know, screen, if</p> <p>22 you will? There's 16 little screens on the monitor?</p> <p>23 A Yeah, you can see each 16 individual cells.</p> <p>24 Q All right. And who staffs the small</p> | <p style="text-align: right;">Page 41</p> <p>1 MS. EKL: Objection. Form.</p> <p>2 THE WITNESS: Not her monitor, no.</p> <p>3 There's a monitor in there --</p> <p>4 MR. ZIMMERMAN: Yeah.</p> <p>5 THE WITNESS: -- and then she has her monitor on</p> <p>6 her -- you know, on her desk.</p> <p>7 BY MR. ZIMMERMAN:</p> <p>8 Q So there's another monitor in there?</p> <p>9 A There's two monitors.</p> <p>10 Q Two monitors.</p> <p>11 And what is on the other monitor?</p> <p>12 A I -- I know she -- she's a data entry</p> <p>13 operator. Anything that's generated upstairs in the</p> <p>14 courtrooms, whether they be minutes or bonds or</p> <p>15 anything like that, she's putting that</p> <p>16 information in.</p> <p>17 Q Okay. Does she have any other job duties</p> <p>18 in there?</p> <p>19 A Not that I'm aware of.</p> <p>20 Q All right. Let me just show you this here.</p> <p>21 In the Defendants' Answer to the Complaint, have you</p> <p>22 ever seen that before?</p> <p>23 A No.</p> <p>24 Q All right. In paragraph 9, it alleges "The</p> |

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| <p style="text-align: right;">Page 42</p> <p>1 Defendants --" the defendants are the County of Cook 2 and the Sheriff, Tom Dart, by the way. It alleges 3 "The Defendants do not warn or otherwise notify 4 pretrial detainees, including plaintiffs and class 5 members, that they are being monitored while using 6 the toilet in the holding cell or that the cameras 7 monitor and record a pretrial detainee's genitals 8 when he or she is using the toilet." 9 And the answer is, "Defendant Cook County 10 Sheriff admits that pretrial detainees are not warned 11 or otherwise notified they are monitored while in the 12 holding cells." 13 And then they deny the remaining 14 allegations in that paragraph. 15 So were you aware of that question and 16 answer? 17 A No. 18 Q No? All right. 19 Well, I'll ask you, sir, in your 20 experience, are pretrial detainees notified, either 21 verbally or in writing, that they are going to be 22 monitored while they're in holding cells? 23 MS. EKL: Objection. Form. 24 THE WITNESS: No, they are not warned. They're</p> | <p style="text-align: right;">Page 44</p> <p>1 Q Both men and women? 2 A I need to clarify the question. 3 Q You've seen both men and women use -- 4 A No, I understand that portion -- 5 MS. EKL: He needs to finish his answer. 6 THE WITNESS: Yes, you're including the Skokie 7 courthouse? Or in all -- total? All the locations 8 that I've worked? 9 BY MR. ZIMMERMAN: 10 Q Sure. All the locations. In any location. 11 A I have seen men and women. Yes. 12 Q And when you've seen them using the 13 toilets, have you seen a man's penis, a detainee 14 who's in the holding cell, you know, through the 15 camera feed? 16 A I understand your question. 17 Yes. 18 Q When you were in the control room looking 19 at the monitor, have you ever seen a woman's vagina 20 who -- the woman who was in the holding cell and you 21 saw that through the camera feed? 22 A There's ladies here. I -- have I -- oh, 23 man. A pubic area? Yes. 24 Q Have you ever seen a naked butt of a</p> |
| <p style="text-align: right;">Page 43</p> <p>1 not advised. 2 BY MR. ZIMMERMAN: 3 Q Are there any signs? 4 A Signage? 5 Q Is there any signage that says that? 6 A No. No. 7 Q The cameras that are in the holding cells, 8 are those placed in like a smoky dome or something 9 that -- such that you're not able to see where the 10 camera is pointed? 11 A Yes. 12 Q So I believe you said that you have worked 13 in control rooms in lockups in Cook County 14 courthouses? Did I get that right? 15 A Correct. 16 Q And when you did that, did you look at the 17 monitors that had the camera feeds from the various 18 holding cells in the lockup? 19 A The short answer is yes. 20 Q And when you did that, have you ever seen 21 men or women using the toilets in the holding cells 22 that was showing, you know, on the camera feed on the 23 monitor in the control room? 24 A I have.</p> | <p style="text-align: right;">Page 45</p> <p>1 detainee who was in a holding cell -- you know, when 2 they were using the toilet, in connection with that, 3 you saw their naked butt through the camera feed on 4 the monitor in the control room? 5 A Yes. 6 Q Naked butts of both men and women? 7 A Yes. 8 Q If a detainee is brought to a Cook County 9 courthouse out of county -- from out of county, what 10 article of clothing are they wearing? 11 A I'm sorry? 12 Q Have you ever seen a detainee brought in in 13 sort of the one-piece jumpsuit? 14 A Oh, okay. 15 Yes. Yes. 16 Q And would that be detainees who are brought 17 into a Cook County courthouse from out of county? 18 A Correct. 19 Q In order to use the toilet, would that 20 detainee have to, essentially, unzip the one-piece 21 jumpsuit all the way down? 22 A Well, they don't -- it would be -- yes. 23 Yes. 24 Q So that essentially the entire naked body</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 would be exposed?</p> <p>2 MS. EKL: Objection. Form.</p> <p>3 THE WITNESS: I don't know about the entire</p> <p>4 body. But a portion of it, yes.</p> <p>5 BY MR. ZIMMERMAN:</p> <p>6 Q So a portion of it meaning the upper body</p> <p>7 down to the waist and then however far below the</p> <p>8 waist they needed to pull the jumpsuit down in order</p> <p>9 to use the toilet? That would be exposed?</p> <p>10 MS. EKL: Objection. Form. Exposed to whom?</p> <p>11 BY MR. ZIMMERMAN:</p> <p>12 Q Exposed to the air.</p> <p>13 MS. EKL: Well, I'm just asking if you're -- are</p> <p>14 you talking about where it would be visible from a</p> <p>15 camera? Or are you just saying --</p> <p>16 MR. ZIMMERMAN: Oh, I'll get to that.</p> <p>17 MS. EKL: Okay. I'm asking for clarification.</p> <p>18 Or are you saying just if a person takes a</p> <p>19 jumpsuit off, that it's exposed to the air. It's a</p> <p>20 very different question.</p> <p>21 I'm just trying to make sure it's clear for</p> <p>22 the record.</p> <p>23 BY MR. ZIMMERMAN:</p> <p>24 Q So let me ask that one again.</p> | <p style="text-align: right;">Page 48</p> <p>1 THE WITNESS: Oh.</p> <p>2 MS. EKL: Only if you know.</p> <p>3 BY MR. ZIMMERMAN:</p> <p>4 Q Let me show you what I've marked as</p> <p>5 Exhibit 8 of Plaintiffs' Master List of Exhibits.</p> <p>6 This is a photo of a camera feed from DVR 1</p> <p>7 Camera 14 which is showing a holding cell in the</p> <p>8 Skokie courthouse. Right?</p> <p>9 A Correct.</p> <p>10 Q Okay. And I just use this by way of</p> <p>11 discussion.</p> <p>12 Now, in this camera view, you see there's</p> <p>13 a -- let's call it a partition, a little wall, near</p> <p>14 the back of that holding cell. Right?</p> <p>15 A Yes, sir.</p> <p>16 Q And behind that is the toilet. Right?</p> <p>17 A Yes, sir.</p> <p>18 Q Now, when people -- in your experience</p> <p>19 monitoring holding cells from the control rooms,</p> <p>20 you've monitored holding cells such as this, I</p> <p>21 presume, where the toilet itself might not be in</p> <p>22 direct view of the camera because it's behind the</p> <p>23 partition. Is that true?</p> <p>24 A Yes.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 If a detainee was in one of these one-piece</p> <p>2 jumpsuits and they wanted to use the restroom, the</p> <p>3 toilet in the holding cell, they would have to unzip</p> <p>4 it down and, essentially, expose their upper body and</p> <p>5 whatever their midsection is all the way down below</p> <p>6 their waist that was necessary in order to use the</p> <p>7 toilet. Is that right?</p> <p>8 A Yes.</p> <p>9 Q And so have you ever seen that, what I've</p> <p>10 just described, ever seen that occur by a detainee in</p> <p>11 a holding cell while you were in the control room</p> <p>12 looking at the video feed on a monitor?</p> <p>13 MS. EKL: Objection to form as to what you mean</p> <p>14 by "that."</p> <p>15 THE WITNESS: Have I ever? Yes.</p> <p>16 BY MR. ZIMMERMAN:</p> <p>17 Q If a woman were in the one-piece jumpsuit</p> <p>18 and she had to unzip it to use the toilet, then you</p> <p>19 would agree that her breasts would be exposed in</p> <p>20 the open?</p> <p>21 MS. EKL: Objection. Foundation. Form.</p> <p>22 THE WITNESS: Could be. I guess.</p> <p>23 MS. EKL: I don't want you to guess. If</p> <p>24 you know.</p> | <p style="text-align: right;">Page 49</p> <p>1 Q And in your experience, have you seen</p> <p>2 detainees use the toilets in holding cells such as</p> <p>3 this where the toilet is not in direct camera view,</p> <p>4 because it's hidden behind the partition, have you</p> <p>5 seen them use the toilet in such holding cells when</p> <p>6 you were monitoring those cells in the control room?</p> <p>7 MS. EKL: Objection. Form. Foundation.</p> <p>8 THE WITNESS: That was a long one.</p> <p>9 Yes.</p> <p>10 BY MR. ZIMMERMAN:</p> <p>11 Q And you would agree with me, sir, that</p> <p>12 sometimes people would -- people who are -- in your</p> <p>13 experience viewing holding cells such as this, from</p> <p>14 watching the monitor in the control room -- well,</p> <p>15 strike that. I'll just ask you generally.</p> <p>16 When you were viewing holding cells such as</p> <p>17 this where the toilet was behind a partition when you</p> <p>18 were watching the monitors in the control room, have</p> <p>19 you ever seen a person who was using the toilet stand</p> <p>20 up and step outside of -- from behind the partition?</p> <p>21 Such that they were in plain view of the camera feed.</p> <p>22 A Yes.</p> <p>23 Q And what were the types of things that</p> <p>24 you've seen them do?</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 A Someone would just be simply putting back</p> <p>2 on their -- their shirt. A lot of the males take</p> <p>3 their shirts off when they use the washroom. So</p> <p>4 they'd be putting their shirt back on or pulling</p> <p>5 their pants up.</p> <p>6 Q All right. And what about the females that</p> <p>7 you've seen that you recall.</p> <p>8 A The same, with the pants, pulling their</p> <p>9 pants up.</p> <p>10 Q Have you ever seen anybody who may have,</p> <p>11 you know, gone poop wiping their butt and that was</p> <p>12 visible outside of the partition?</p> <p>13 A I've seen people washing themselves. So I</p> <p>14 don't ...</p> <p>15 Q What do you mean? So they're naked?</p> <p>16 A Well, they're cleaning themselves.</p> <p>17 Q I see. So their pants would be pulled down</p> <p>18 so their genitals or naked butt would be exposed and</p> <p>19 they're cleaning themselves?</p> <p>20 A Yes.</p> <p>21 Q You seem a little uncomfortable. I guess</p> <p>22 that's just my observation.</p> <p>23 MS. EKL: I object to the characterization.</p> <p>24 Counsel, keep your thoughts to yourself.</p> | <p style="text-align: right;">Page 52</p> <p>1 I mean, the question's not a clear</p> <p>2 question.</p> <p>3 And it calls for a legal conclusion.</p> <p>4 THE WITNESS: I don't think it's necessary for</p> <p>5 me to have to look at anybody.</p> <p>6 BY MR. ZIMMERMAN:</p> <p>7 Q Do you think that it's an invasion of the</p> <p>8 detainees' privacy that the cameras can view and</p> <p>9 record them and their naked bodies, their genitals</p> <p>10 and naked butt, using the toilets in a holding cell?</p> <p>11 MS. EKL: You've already asked him that</p> <p>12 question. He's answered it. Move on.</p> <p>13 I'm not going to allow him to answer it</p> <p>14 again. You've asked the question. It calls for a</p> <p>15 legal conclusion.</p> <p>16 He's not here to be a judge or a jury as to</p> <p>17 this case, so move on.</p> <p>18 BY MR. ZIMMERMAN:</p> <p>19 Q You can answer.</p> <p>20 MS. EKL: No. I'm instructing him not to answer</p> <p>21 that question. You've asked the question already.</p> <p>22 BY MR. ZIMMERMAN:</p> <p>23 Q Are you going to follow your attorney's</p> <p>24 advice and refuse to answer my question?</p> |
| <p style="text-align: right;">Page 51</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q Do you -- would you -- you personally, do</p> <p>3 you think that it's an invasion of the detainees'</p> <p>4 privacy that the cameras can view and record people</p> <p>5 using the toilets in a holding cell?</p> <p>6 MS. EKL: Objection. Form. Foundation.</p> <p>7 Completely irrelevant.</p> <p>8 You don't need to answer that.</p> <p>9 BY MR. ZIMMERMAN:</p> <p>10 Q You can answer.</p> <p>11 A One's saying answer. The other's saying</p> <p>12 don't answer. What am I --</p> <p>13 Q You can answer.</p> <p>14 MS. EKL: I'm not instructing you not to answer.</p> <p>15 But if -- I mean, if you have an opinion about it,</p> <p>16 given the context in which your job takes place.</p> <p>17 THE WITNESS: Okay. Within my job, if I don't</p> <p>18 answer a question, that's -- I can -- so I --</p> <p>19 MS. EKL: I'm not instructing you not to --</p> <p>20 THE WITNESS: I don't know where I stand if I</p> <p>21 say, I'm not gonna answer the question.</p> <p>22 MS. EKL: Do you have an opinion about that? In</p> <p>23 the context of your job, versus in another context of</p> <p>24 just having to see people like that.</p> | <p style="text-align: right;">Page 53</p> <p>1 A I don't know what to do here.</p> <p>2 MS. EKL: Do you want to take a break?</p> <p>3 THE WITNESS: Yes. I'd like to take a break.</p> <p>4 MR. ZIMMERMAN: All right.</p> <p>5 (Recess from 3:30 p.m. to 3:44 p.m.)</p> <p>6 BY MR. ZIMMERMAN:</p> <p>7 Q All right. So what have you decided to do?</p> <p>8 MS. EKL: The question is, are you going to</p> <p>9 follow your attorney's advice?</p> <p>10 THE WITNESS: I'm going to follow my attorney's</p> <p>11 advice.</p> <p>12 BY MR. ZIMMERMAN:</p> <p>13 Q All right. I think you mentioned something</p> <p>14 in your last answer that it was not necessary for you</p> <p>15 to do your job. So let me follow up on that.</p> <p>16 Well, first off, in the sheriff's training,</p> <p>17 you know, that you received and that you're familiar</p> <p>18 with throughout the sheriff's office, were you ever</p> <p>19 trained to look away from the monitor when the camera</p> <p>20 feed on that monitor shows a detainee using the</p> <p>21 toilet in the holding cell?</p> <p>22 A Can you say that one more time?</p> <p>23 Q Sure. Were you ever trained to look away</p> <p>24 from the monitor? In other words, you know, not</p> |


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| <p style="text-align: right;">Page 54</p> <p>1 watch the monitor anymore once a detainee in the</p> <p>2 holding cell starts to use the toilet and that is</p> <p>3 visible on the feed in the monitor.</p> <p>4 A If I see something on the monitor that's</p> <p>5 inappropriate, I look away.</p> <p>6 Q And is that the way you were trained? Is</p> <p>7 there any sheriff's training that you received that</p> <p>8 says that that's the procedure?</p> <p>9 A There's a written policy that we're not to</p> <p>10 watch inmates.</p> <p>11 Actual training? No.</p> <p>12 But there is set policy within the</p> <p>13 sheriff's department.</p> <p>14 Q Is that the policy that says that you're</p> <p>15 supposed to advise the inmates that they won't be</p> <p>16 monitored while using the toilet? Is that what</p> <p>17 you're thinking of?</p> <p>18 A I'm sorry?</p> <p>19 Q Are you referring to the policy that says</p> <p>20 that you're supposed to advise the detainee that</p> <p>21 they're not going to be monitored while using the</p> <p>22 toilet?</p> <p>23 MS. EKL: Objection. Form. Vague.</p> <p>24 THE WITNESS: No. I don't know -- I don't know</p> | <p style="text-align: right;">Page 56</p> <p>1 MS. EKL: Objection. Form. Foundation. Calls</p> <p>2 for a legal conclusion.</p> <p>3 BY MR. ZIMMERMAN:</p> <p>4 Q You can answer.</p> <p>5 A No.</p> <p>6 Q Could the sheriff's deputies, in your</p> <p>7 opinion, still carry out all of their security duties</p> <p>8 if the toilet area in the holding cells was obscured</p> <p>9 from view in the camera feed?</p> <p>10 MS. EKL: Objection. Form. Foundation.</p> <p>11 This witness is not here to testify as your</p> <p>12 expert. This witness has knowledge as to his</p> <p>13 specific locations that he's worked in. Your</p> <p>14 question is vague.</p> <p>15 BY MR. ZIMMERMAN:</p> <p>16 Q You can answer.</p> <p>17 A Can you say that one more time, please?</p> <p>18 Q Sure. In your opinion, could the sheriff's</p> <p>19 deputies still carry out all of their security duties</p> <p>20 if the toilet area in the holding cells was obscured</p> <p>21 from view in the camera feed?</p> <p>22 MS. EKL: Same objection.</p> <p>23 THE WITNESS: It wouldn't affect me doing</p> <p>24 my job.</p> |
| <p style="text-align: right;">Page 55</p> <p>1 the number or whatever of the policy. But it's just</p> <p>2 something that had to do with -- the words are in</p> <p>3 there. I'm just -- I'm not gonna put 'em in direct</p> <p>4 order. But I know it's in there about dignity and</p> <p>5 compassion.</p> <p>6 I might be putting in compassion myself,</p> <p>7 I'm sorry.</p> <p>8 But I know definitely dignity is within the</p> <p>9 policy about when someone is being searched or viewed</p> <p>10 on a video monitor.</p> <p>11 BY MR. ZIMMERMAN:</p> <p>12 Q All right. Well, we've got all the</p> <p>13 policies. We'll go through them. I think I know</p> <p>14 which one you're talking about.</p> <p>15 In your 25 years as a sheriff's deputy,</p> <p>16 have you ever seen or heard of any weapon or</p> <p>17 contraband or other security-related incident that</p> <p>18 occurred by a person who was using the toilet in a</p> <p>19 holding cell?</p> <p>20 A No.</p> <p>21 Q In your opinion, is there any security or</p> <p>22 penological interest that would be furthered</p> <p>23 in monitoring a detainee using the toilet in a</p> <p>24 holding cell?</p> | <p style="text-align: right;">Page 57</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q So this lawsuit was filed back in August of</p> <p>3 last year. Since August 8th of last year, are you</p> <p>4 aware of whether any of the views from any of the</p> <p>5 camera feeds in any of the holding cells has been</p> <p>6 altered in any way?</p> <p>7 MS. EKL: Objection. Foundation.</p> <p>8 THE WITNESS: The camera views? Positioning of</p> <p>9 the cameras?</p> <p>10 BY MR. ZIMMERMAN:</p> <p>11 Q Well, anything with the view and how it</p> <p>12 appears on the monitor, you know, in the control</p> <p>13 room.</p> <p>14 MS. EKL: Same objection.</p> <p>15 THE WITNESS: Specifically -- oh, I'm sorry.</p> <p>16 MS. EKL: No, go ahead.</p> <p>17 THE WITNESS: Specifically to the Skokie -- our</p> <p>18 control room in Skokie?</p> <p>19 MR. ZIMMERMAN: Sure.</p> <p>20 THE WITNESS: Nothing's been moved.</p> <p>21 Well, are you talking about -- nothing's</p> <p>22 been moved. There's --</p> <p>23 MS. EKL: If you've answered the question, then</p> <p>24 you don't need to go beyond.</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q You can finish. Don't let her interrupt</p> <p>3 you.</p> <p>4 A There is a -- there's tape covering up one</p> <p>5 of the pictures, one of the boxes on the left</p> <p>6 monitor.</p> <p>7 Q All right. So hold on a minute. So the</p> <p>8 actual angle of the camera hasn't been changed.</p> <p>9 That's still the same?</p> <p>10 A Can we take a break?</p> <p>11 MS. EKL: Well, answer that question.</p> <p>12 THE WITNESS: Okay.</p> <p>13 MS. EKL: Has the angle of the camera been</p> <p>14 changed in any way, to your knowledge?</p> <p>15 THE WITNESS: Not the -- not the -- not the</p> <p>16 angle of the camera, no. No. We don't have access</p> <p>17 to that stuff.</p> <p>18 MR. ZIMMERMAN: All right. And so --</p> <p>19 MS. EKL: Okay. He asked for a break. He</p> <p>20 answered your question.</p> <p>21 MR. ZIMMERMAN: By all means. Yes.</p> <p>22 (Recess from 3:52 p.m. to 3:56 p.m.)</p> <p>23 BY MR. ZIMMERMAN:</p> <p>24 Q So I think before the break, you mentioned</p> | <p style="text-align: right;">Page 60</p> <p>1 A One -- one of the female cells.</p> <p>2 Q Okay. And do you recall which of the four</p> <p>3 female cells it's on?</p> <p>4 A Exactly, no.</p> <p>5 Q So today, in one of the earlier</p> <p>6 depositions, we had -- well, don't we have all four?</p> <p>7 MR. HAGMAN: We should.</p> <p>8 MR. ZIMMERMAN: There's my photos.</p> <p>9 All right. You take that stack.</p> <p>10 (Handing.) I'll take this stack. (Indicating.) And</p> <p>11 we'll find it.</p> <p>12 It's in your stack.</p> <p>13 MR. HAGMAN: (Handing.)</p> <p>14 BY MR. ZIMMERMAN:</p> <p>15 Q So this is Plaintiffs' Master Exhibit 3.</p> <p>16 Somebody earlier testified that these four</p> <p>17 camera views are of the -- where's DVR 2 Camera 2?</p> <p>18 (Sotto voce discussion between</p> <p>19 Mr. Zimmerman and Mr. Hagman.)</p> <p>20 BY MR. ZIMMERMAN:</p> <p>21 Q So I'm going to hand to you, sir, out of</p> <p>22 Plaintiffs' Master Exhibit 3, four photos from the</p> <p>23 Skokie courthouse. And they're labeled DVR 2</p> <p>24 Camera 1, DVR 2 Camera 2, DVR 2 Camera 3, and</p> |
| <p style="text-align: right;">Page 59</p> <p>1 that the camera view has not been changed but that</p> <p>2 there was a piece of tape that was put on the</p> <p>3 monitor.</p> <p>4 Can you describe that for me?</p> <p>5 Well, first off, let's start. Which</p> <p>6 monitor is it? Is it in the large control room?</p> <p>7 A Oh, yes, the main control room. Large.</p> <p>8 Q The main control room.</p> <p>9 And so out of our four, from left to right,</p> <p>10 which one would it be on?</p> <p>11 A It would be on the left hand.</p> <p>12 Q The far left one?</p> <p>13 A Yes.</p> <p>14 Q All right. So that's the one that had the</p> <p>15 six to eight frames showing the entry to the control</p> <p>16 room, there was a frame for the hallway, there were</p> <p>17 the four female holding cells -- that one?</p> <p>18 A Yes.</p> <p>19 Q All right. And what is the tape covering</p> <p>20 on that monitor?</p> <p>21 A It's covering the screen.</p> <p>22 Q Okay. Which of those frames? You know</p> <p>23 those camera feeds? Which of the camera feeds is</p> <p>24 it on?</p> | <p style="text-align: right;">Page 61</p> <p>1 DVR 2 Camera 4.</p> <p>2 If you could take a look at those,</p> <p>3 please -- well, here, this is a better shot of DVR 2</p> <p>4 Camera 3. (Indicating.) I'm going to swap this</p> <p>5 one out. This one is SKO-CAM 0 029 which is the same</p> <p>6 shot as DVR 2 Camera 3. (Handing.) Okay?</p> <p>7 Can you take a look at those four photos</p> <p>8 for me please, sir, and tell me on which one of those</p> <p>9 camera views is the tape placed?</p> <p>10 MS. EKL: I'm going to object to foundation and</p> <p>11 the premise of your question.</p> <p>12 These photographs were taken from --</p> <p>13 they're video stills. They weren't snapshots of</p> <p>14 what's seen from the monitors in the control room.</p> <p>15 So if you want to rephrase your question, I</p> <p>16 won't have an objection to it.</p> <p>17 But just so the record's clear, these are</p> <p>18 stills from the video feeds.</p> <p>19 BY MR. ZIMMERMAN:</p> <p>20 Q You can answer.</p> <p>21 A Specifically, I don't know which one doing</p> <p>22 it this way. (Indicating.)</p> <p>23 Q Is there a way that you would be able to</p> <p>24 tell me and determine which female holding cell the</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 tape is covering on the monitor?</p> <p>2 A Nothing that I can think of.</p> <p>3 Q What color is the tape?</p> <p>4 A It's just a -- a cream, yellow.</p> <p>5 Q Like a masking tape?</p> <p>6 A I don't know. I didn't feel the texture of</p> <p>7 it. I just ...</p> <p>8 Q Can you see through the tape? You know, to</p> <p>9 the picture behind it on the monitor.</p> <p>10 A No.</p> <p>11 Q Is the tape covering the toilet area in one</p> <p>12 of the female holding cells?</p> <p>13 A I don't recall.</p> <p>14 Q Do you know why the tape was placed on that</p> <p>15 monitor?</p> <p>16 A I don't know.</p> <p>17 THE REPORTER: Can you keep that out so I can</p> <p>18 scan those so they can be attached since they were</p> <p>19 referenced? (Indicating.)</p> <p>20 MR. ZIMMERMAN: Oh, that's my Master Exhibit.</p> <p>21 THE REPORTER: I don't have it, though.</p> <p>22 MS. EKL: Right, but she doesn't have what you</p> <p>23 just showed him with your handwriting on it. That's</p> <p>24 going to have to be copied and scanned.</p> | <p style="text-align: right;">Page 64</p> <p>1 THE WITNESS: That's why I say, she spends her</p> <p>2 day there.</p> <p>3 BY MR. ZIMMERMAN:</p> <p>4 Q Okay. So we're going to make a request now</p> <p>5 on the record -- this has nothing to do with you --</p> <p>6 to the defendants, via their counsel, that that piece</p> <p>7 of tape be preserved on that monitor. That -- who's</p> <p>8 in charge of that large control room? Is there like</p> <p>9 a superintendent? Or who runs it?</p> <p>10 A Well, we have Superintendent Eric Mills for</p> <p>11 our facility, for the courthouse.</p> <p>12 And then we have -- we have -- let me see,</p> <p>13 we have four sergeants.</p> <p>14 Q So then my request is that either the</p> <p>15 superintendent and/or one or all of the sergeants be</p> <p>16 directed, immediately after we end this deposition,</p> <p>17 not to disturb that piece of tape. And I want a</p> <p>18 photograph of it so we can see what it is that it's</p> <p>19 covering.</p> <p>20 So there's my record with respect to a</p> <p>21 demand to preserve that evidence.</p> <p>22 I'm done. Thank you, sir.</p> <p>23 MS. EKL: I have a few follow-up questions.</p> <p>24 THE WITNESS: Thank you.</p> |
| <p style="text-align: right;">Page 63</p> <p>1 BY MR. ZIMMERMAN:</p> <p>2 Q Yes, sure.</p> <p>3 Is there any way that you can be more</p> <p>4 specific about which of the four female holding cells</p> <p>5 that the tape is covering?</p> <p>6 MS. EKL: Objection. Form.</p> <p>7 BY MR. ZIMMERMAN:</p> <p>8 Q Any more description that you can provide</p> <p>9 to help us understand which one it is?</p> <p>10 A No.</p> <p>11 Q But you've seen it?</p> <p>12 A Yes.</p> <p>13 Q That small control room that you talked</p> <p>14 about that has the one monitor showing the video</p> <p>15 feeds from the 16 male holding cells, is the female</p> <p>16 civilian in that room at all times? Is that her job</p> <p>17 is to stay in that room?</p> <p>18 MS. EKL: Objection. Foundation.</p> <p>19 THE WITNESS: I don't know if she's -- that's</p> <p>20 where she does her work. I don't know if --</p> <p>21 MR. ZIMMERMAN: So she maybe --</p> <p>22 THE WITNESS: There aren't many places you can</p> <p>23 go into the lockup, so -- yeah.</p> <p>24 MR. ZIMMERMAN: Okay.</p> | <p style="text-align: right;">Page 65</p> <p>1 EXAMINATION</p> <p>2 BY MS. EKL:</p> <p>3 Q So counsel asked you a number of questions</p> <p>4 about times that you have worked in the control room.</p> <p>5 Do you recall him asking you questions</p> <p>6 about those times?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And he asked you whether or not, in the</p> <p>9 course of your job, you've had occasion to look at</p> <p>10 the camera feeds. Correct?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And I believe you testified that it was not</p> <p>13 your job to just stare at the monitors at all times.</p> <p>14 Correct?</p> <p>15 A Yes, ma'am.</p> <p>16 Q You did testify that there are occasions</p> <p>17 when you have seen men and/or women using the toilets</p> <p>18 from at least one of those camera feeds. Correct?</p> <p>19 A Correct.</p> <p>20 Q Upon seeing either a man or a woman using</p> <p>21 the toilet, what did you do?</p> <p>22 A I'd look away.</p> <p>23 Q You also mentioned that you have seen a</p> <p>24 man's penis through one of those camera feeds during</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 the course of your job duties. Correct?</p> <p>2 A Correct.</p> <p>3 Q And what did you do on that occasion?</p> <p>4 A Looked away.</p> <p>5 Q You also mentioned that there has been at</p> <p>6 least one occasion when you have seen the pubic area</p> <p>7 of a woman when you have looked through the camera</p> <p>8 feed. Correct?</p> <p>9 A Correct.</p> <p>10 Q And what did you do on that occasion?</p> <p>11 A Looked away.</p> <p>12 Q And finally, you were asked whether or not</p> <p>13 you've seen a naked butt of a man or a woman through</p> <p>14 the camera feed during the course of your duties.</p> <p>15 Do you recall him asking you that question?</p> <p>16 A Yes, I do.</p> <p>17 Q And what did you do upon seeing the naked</p> <p>18 butt of a man or a woman through the camera feed?</p> <p>19 A Looked away.</p> <p>20 Q Have there been occasions when you may have</p> <p>21 seen someone in the course of going to the bathroom</p> <p>22 where you didn't immediately look away but you had to</p> <p>23 continue to look for a second or two?</p> <p>24 A Yes.</p> | <p style="text-align: right;">Page 68</p> <p>1 A Yes, ma'am.</p> <p>2 Q And in the course of your working with a</p> <p>3 field training officer, did you -- strike that.</p> <p>4 Have you been trained on those policies?</p> <p>5 A Oh, yes.</p> <p>6 Q And the policies that you're trained on,</p> <p>7 that was one of the policies. Correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q When counsel asked you whether or not there</p> <p>10 had been any -- you were aware of any</p> <p>11 security-related issues related to men or women using</p> <p>12 the toilet areas that could be viewed through the</p> <p>13 video, were you relating to the fact that you haven't</p> <p>14 been aware, personally, of an actual incident where,</p> <p>15 say, someone was concealing drugs in an area that</p> <p>16 they shouldn't or something like that?</p> <p>17 A I have no knowledge to that.</p> <p>18 Q Okay. But would you agree that that is a</p> <p>19 potential concern that that could happen in a jail</p> <p>20 setting, that someone could smuggle in, for instance,</p> <p>21 drugs in a private part?</p> <p>22 A Sure. Yes.</p> <p>23 Q When people are searched coming into the</p> <p>24 jail, are they strip searched?</p> |
| <p style="text-align: right;">Page 67</p> <p>1 Q And what would cause you to -- what caused</p> <p>2 you to do that?</p> <p>3 A I don't know, something maybe in my mind's</p> <p>4 eye would see -- I don't know if it was unusual or --</p> <p>5 yeah, anything that was unusual.</p> <p>6 Q And "unusual," do you mean that you were</p> <p>7 concerned for at least a brief --</p> <p>8 MR. ZIMMERMAN: Objection. Leading.</p> <p>9 Go ahead and lead the witness if you want.</p> <p>10 BY MS. EKL:</p> <p>11 Q Were you concerned for a brief moment that</p> <p>12 there may be some sort of a security risk that was</p> <p>13 posed by whatever it was they were doing?</p> <p>14 A Possibly.</p> <p>15 Q Is there any other reason for you --</p> <p>16 A No.</p> <p>17 Q -- to continue to look for a couple of</p> <p>18 seconds?</p> <p>19 A I'm sorry.</p> <p>20 No.</p> <p>21 Q You mentioned earlier that you're aware of</p> <p>22 a policy that prohibits officers from intentionally</p> <p>23 staring at or viewing a person's private areas.</p> <p>24 Correct?</p> | <p style="text-align: right;">Page 69</p> <p>1 A In the Cook County Sheriff's Department?</p> <p>2 Q Into your facility. So into Skokie.</p> <p>3 A Into our --</p> <p>4 Q Into the lockup.</p> <p>5 A Absolutely not.</p> <p>6 Q So the mere fact that someone is searched</p> <p>7 coming into the lockup area doesn't rule out the</p> <p>8 possibility that they could have concealed, for</p> <p>9 instance, narcotics or drugs in a private part?</p> <p>10 MR. ZIMMERMAN: Objection. Foundation. Calls</p> <p>11 for speculation.</p> <p>12 If you know.</p> <p>13 THE WITNESS: Can you -- I'm sorry, can you say</p> <p>14 that one more time?</p> <p>15 BY MS. EKL:</p> <p>16 Q Sure. So counsel asked you questions about</p> <p>17 people being searched before they came into lockup.</p> <p>18 Correct?</p> <p>19 A Right. Correct.</p> <p>20 Q The fact that a person has been searched</p> <p>21 before they came into the lockup, would you agree</p> <p>22 with me that that does not rule out the possibility</p> <p>23 that they could conceal some kind of a narcotic in a</p> <p>24 private part?</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 MR. ZIMMERMAN: Objection. Foundation. Calls 2 for speculation. 3 THE WITNESS: Sure. It's a possibility. Yes. 4 BY MS. EKL: 5 Q And that would be a security concern, as a 6 sheriff's deputy working in the jail, if someone had 7 narcotics in a holding cell. Correct? 8 MR. ZIMMERMAN: Nice leading question again. 9 You can answer. 10 THE WITNESS: Yes. 11 MS. EKL: This is cross examination, Counsel. 12 You can laugh all you want. 13 MR. ZIMMERMAN: He's your witness. 14 MS. EKL: He's not my witness. You called him. 15 MR. ZIMMERMAN: He's your witness. You 16 represent him. 17 MS. EKL: Okay, stop. 18 MR. ZIMMERMAN: Are you going to make him a 19 hostile witness now and lead him? Is that what 20 you're doing? 21 BY MS. EKL: 22 Q Counsel, stop. Stop. It's 23 cross examination. I can follow up on the questions 24 that you've asked, and that's what I'm doing.</p> | <p style="text-align: right;">Page 72</p> <p>1 A No. 2 Q To your knowledge, does she input entry 3 into a computer that faces those screens? 4 A Say that one more time, please? 5 Q Sure. When she's inputting data -- 6 A Right. 7 Q -- into her computer system, is she facing 8 the monitors that show the male holding cells? 9 A No. 10 Q She has a separate monitoring screen. 11 Correct? 12 A Correct. 13 Q Counsel asked you questions about sheriff's 14 deputies being positioned, for instance, in hallway 15 areas. 16 Do you recall him asking you that question? 17 A Yes, I do. 18 Q Okay. And as a general matter, are those 19 areas that you're less concerned about monitoring on 20 the monitors because there are sheriff's deputies in 21 those hallways? 22 A One more time, please? 23 Q Let me ask it another way. 24 You indicated that you would not be</p> |
| <p style="text-align: right;">Page 71</p> <p>1 Counsel asked some questions of you about 2 this tape that was put on the monitor. 3 Do you recall those questions? 4 A Yes, I do. 5 Q Do you know whether or not that tape in any 6 way inhibits the video feed -- the video from 7 capturing everything that is coming out of the 8 camera? If that makes sense. Does that make sense 9 to you? 10 Let me ask it another way. 11 A Okay. 12 Q Is the tape on the camera side of the video 13 system? Or is it on the monitor side of the video 14 system? 15 A The monitor. 16 Q So if there is a video feed coming from the 17 camera that is being recorded, to your knowledge, is 18 that altered by the tape placed on the monitor? 19 A No, I don't know. No. No. 20 Q Okay. Fair enough. To your knowledge, 21 does the female data entry clerk who shares an office 22 with the video monitoring screens, does she have any 23 job duties that include watching the screens of the 24 male holding cells?</p> | <p style="text-align: right;">Page 73</p> <p>1 interested in what is going on in the hallway. 2 Do you recall answering -- 3 A I do. 4 Q -- making that statement? 5 A Yes. Yes, ma'am. 6 Q What did you mean by that? 7 A My primary focus is what's going on in our 8 lockup. What's going on downstairs. 9 Q And what is the reason for being concerned 10 about what's going on downstairs? 11 A Just knowing where everybody's at and just 12 being able to let our guys know if there's a problem 13 that's going on. 14 Q And when you say if there's a problem, are 15 you concerned about the safety and security of both 16 the detainees, as well as the other sheriff's 17 deputies? 18 A Sure. And everybody in the building. Of 19 course. 20 Q Although you're less interested in the 21 hallway areas, if you were to see a sheriff's deputy 22 on a monitor making a motion as though they were in 23 distress or needed assistance, would that be 24 something that would concern you?</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 A Sure. Of course.</p> <p>2 Q And is that one of the reasons why those</p> <p>3 hallway areas, even though there are sheriff's</p> <p>4 deputies positioned there, are included in the</p> <p>5 monitors that you look at?</p> <p>6 A Yes.</p> <p>7 Q I think I'm done. Let's just take one</p> <p>8 minute.</p> <p>9 MR. ZIMMERMAN: I've got two.</p> <p>10 MS. EKL: I'm not done. I think I'm done. I</p> <p>11 need one minute to confer with my counsel.</p> <p>12 MR. ZIMMERMAN: That's all right. I'm sending</p> <p>13 you an email right now directing you to preserve that</p> <p>14 tape.</p> <p>15 MS. EKL: Well, you can't direct me to do</p> <p>16 anything, but you can send me whatever email</p> <p>17 you'd like.</p> <p>18 (Recess from 4:18 p.m. to 4:26 p.m.)</p> <p>19 MS. EKL: I have no further questions.</p> <p>20 FURTHER EXAMINATION</p> <p>21 BY MR. ZIMMERMAN:</p> <p>22 Q That female civilian who sits in the small</p> <p>23 control room, you say there's two monitors on her</p> <p>24 desk?</p> | <p style="text-align: right;">Page 76</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 ELIZABETH ALICEA, et al.,)</p> <p>5)</p> <p>6 Plaintiffs,)</p> <p>7)</p> <p>8 -vs-) No. 18 C 5381</p> <p>9)</p> <p>10 COOK COUNTY and THOMAS J. DART,) Judge Guzman</p> <p>11 Individually, and in his Official)</p> <p>12 Capacity as Sheriff of) Magistrate</p> <p>13 Cook County,) Judge Valdez</p> <p>14)</p> <p>15 Defendants.)</p> <p>16 This is to certify that I have read my</p> <p>17 deposition taken on Friday, March 15, 2019, in the</p> <p>18 foregoing cause, and that the foregoing transcript</p> <p>19 accurately states the questions asked and the answers</p> <p>20 given by me, with the changes or corrections, if any,</p> <p>21 made on the Errata Sheet attached hereto.</p> <p>22</p> <p>23 _____</p> <p>24 DEPUTY SHERIFF PATRICK HECKER</p> <p>25</p> <p>26 No errata sheets submitted ____ (Please initial)</p> <p>27 Number of errata sheets submitted ____ pages</p> <p>28 SUBSCRIBED AND SWORN TO</p> <p>29 before me this ____ day</p> <p>30 of _____, A.D. ____.</p> <p>31</p> <p>32 _____</p> <p>33 Notary Public</p> <p>34 ///</p> |
| <p style="text-align: right;">Page 75</p> <p>1 A No, I believe there's one on her desk. And</p> <p>2 then there's another on the opposite side of the</p> <p>3 room. (Indicating.)</p> <p>4 Q Okay. This policy that you were talking</p> <p>5 about stating something to the effect that you're not</p> <p>6 to stare at the naked people, or to treat them with</p> <p>7 dignity and respect and that type of thing, was that</p> <p>8 an official written policy?</p> <p>9 A Yes, it is. But -- yes, it is.</p> <p>10 Q All right. That's okay. We've got them</p> <p>11 all produced. I'll find it. Thank you, sir.</p> <p>12 MS. EKL: You're all done. We'll reserve.</p> <p>13 THE REPORTER: Counsel, are you ordering this</p> <p>14 transcript?</p> <p>15 MR. ZIMMERMAN: Yes.</p> <p>16 THE REPORTER: Counsel, the transcript has been</p> <p>17 ordered. Would you like a copy?</p> <p>18 MS. EKL: Yes, please.</p> <p>19 (Proceedings adjourned at 4:28 p.m.)</p> <p>20 * * * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> | <p style="text-align: right;">Page 77</p> <p>1 I, LAURA L. KOOY, a Certified Shorthand</p> <p>2 Reporter within and for the State of Illinois, do</p> <p>3 hereby certify:</p> <p>4 That previous to the commencement of the</p> <p>5 examination of the witness, the witness was duly</p> <p>6 sworn to testify the whole truth concerning the</p> <p>7 matters herein;</p> <p>8</p> <p>9 That the foregoing deposition was reported</p> <p>10 stenographically by me, was thereafter reduced to a</p> <p>11 printed transcript by me, and constitutes a true</p> <p>12 record of the testimony given and the proceedings</p> <p>13 had;</p> <p>14</p> <p>15 That the said deposition was taken before</p> <p>16 me at the time and place specified;</p> <p>17 That the reading and signing by the witness</p> <p>18 of the deposition transcript was agreed upon as</p> <p>19 stated herein;</p> <p>20 That I am not a relative or employee or</p> <p>21 attorney or counsel, nor a relative or employee of</p> <p>22 such attorney or counsel for any of the parties</p> <p>23 hereto, nor interested directly or indirectly in the</p> <p>24 outcome of this action.</p> <p>25 IN WITNESS WHEREOF, I do hereunto set my</p> <p>26 hand this 7th day of April, 2019.</p> <p>27</p> <p>28 </p> <p>29 LAURA L. KOOY, CSR, RDR, CRR</p> <p>30 Notary Public</p> <p>31 CSR No. 084-002467</p> <p>32</p> <p>33</p> <p>34</p> |